

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

RAPHAEL CHRISTOPHER,	:	CIVIL ACTION NO. 1:04-CV-0977
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
FREDERICK NESTLERODE, et al.,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 14th day of December, 2007, upon consideration of plaintiff's motion in limine (Doc. 204) to preclude defendants from offering evidence relating to plaintiff's stop of Deputy John S. Malecki,¹ and it appearing that defendants do not intend to present any evidence relating to this stop or the litigation filed against plaintiff as a result of the stop (see Doc. 220 at 2),² it is hereby ORDERED that the motion in limine (Doc. 204) is DENIED as moot without prejudice to plaintiff's right to object to any such evidence at trial.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge

¹ In the alternative, plaintiff seeks permission to offer evidence of acts of retaliation by York County law enforcement personnel, including the multiple stops of his car for allegations of unlawful tint, the threat to impound his car, and the leaving of a rat on his driveway during the first trial of this action. (See Doc. 206 at 14.) Because the court will deny the instant motion as moot, the court need not address the admissibility of these alleged retaliatory acts at this juncture.

² Defendants note that they "do not intend to waive their right to introduce this evidence for proper purposes, such as any effect that stop and litigation may have on Plaintiff's emotional state from a damages standpoint, and/or to impeach any testimony Plaintiff may give on the stand." (Doc. 220 at 3.) The court will reserve ruling on such purposes until it becomes necessary during trial.